

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**GIGIMAN HAMILTON and
ROHAN G. HERON,**

Defendants.

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CRIMINAL NO. 06-30068-WDS

ORDER

STIEHL, District Judge:

Before the Court are defendant Heron's motion to continue (Doc. 65) the scheduled hearing on his motion to suppress evidence (Doc. 32). Also before the Court is defendant Hamilton's motion to withdraw his motion to suppress (Doc. 66). Both of the motions are based on the fact that the defendants are in the process of attempting to resolve the case with the government.

Upon review of the record, the Court **GRANTS** defendant Hamilton's motion to withdraw and defendant Hamilton's motion to suppress (Doc. 32) is **DENIED** as moot.

Pursuant to 18 U.S.C. § 3161(h)(8)(A) the Court **FINDS** that it is appropriate to continue the suppression hearing on defendant Heron's motion to allow the parties additional time to complete the plea negotiations. The Court **FURTHER FINDS** that the defendant's counsel has exercised due diligence in preparing for trial but that additional time is reasonable and necessary to allow defense counsel to pursue the possibility of plea negotiations. The Court **FURTHER FINDS** that failure to grant a continuance in this matter would deny counsel for the defendant

reasonable time necessary to prepare for trial, and that the end of justice would be best served by granting the continuance. 18 U.S.C. § 3161(h)(8)(B)(iv).

Accordingly, the Court **GRANTS** defendant Heron's motion to continue. This matter is rescheduled for a hearing on the defendant's motion to suppress on Monday, December 11, 2006, at 1:30 P.M. All time between the filing of this motion and the new hearing date shall be excluded for speedy trial purposes.

Also before the Court is the government's motion for additional time to respond to defendant Heron's motion to sever (Doc. 67). In light of the current plea negotiations, the Court **GRANTS** the government's motion. The government's response to the motion to sever shall be filed by Friday, December 8, 2006.

IT IS SO ORDERED.

DATED: November 6, 2006.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE